

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Bky No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

Randall L. Seaver, Trustee

Plaintiff,

**DECLARATION OF
JOHN R. NEVE**

vs.

Adv. No. 09-5045

Dennis E. Hecker, et al.,

Defendants.

I, John R. Neve, state as follows:

1. I am an attorney representing the Debtor/Defendant Dennis E. Hecker (“Hecker”) in the above-entitled adversary proceeding.

2. I provide this Declaration in support of Hecker’s Memorandum of Law in Opposition to Motion for Protective Order.

3. Attached hereto as Exhibit A is a true and correct copy of the Notice of Taking Deposition of Steven McDaniels, which was served on McDaniels’ counsel on March 3, 2010.

4. Attached hereto as Exhibit B is a true and correct copy of electronic correspondence between William Skolnick and Andrew Moratzka confirming the rescheduling of McDaniels’ deposition to March 25, 2010.

5. Attached hereto as Exhibit C is a true and correct copy the Amended Notice of Taking Deposition of Steven McDaniels, which was served on McDaniels' counsel on March 8, 2010.

6. Attached hereto as Exhibit D is a true and correct copy of the transcript of McDaniels' deposition for March 25, 2010, documenting McDaniels' refusal to attend his deposition.

7. Attached hereto as Exhibit E is a true and correct copy of a Subpoena in an Adversary Proceeding directed to Steve McDaniels, which was served personally upon McDaniels on March 30, 2010.

8. Attached hereto as Exhibit F is a true and correct copy is a true and correct copy of an Amended Subpoena in an Adversary Proceeding directed to Steve McDaniels, which was served on May 17, 2010.

9. Despite Andrew Mortazka's assertion to the contrary, I never agreed to an indefinite extension of McDaniels' subpoenaed deposition scheduled for April 6, 2010.

The undersigned declares under penalty of perjury under the laws of the United States and the State of Minnesota that the foregoing facts stated in this Declaration are, to the best of my knowledge and belief, true and correct.

Executed on this 26th day of May 2010.



John R. Neve

Exhibit A

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

DENNIS E. HECKER

Case No. 09-50779-RJK

Debtor.

Chapter 7

RANDALL L. SEAVER,

ADV Pro. No. 09-05045

Plaintiff,

v.

DENNIS E. HECKER, MIDWEST MOTORS
LLC, LKMCD PROPERTIES, LLC, CHRYSLER
FINANCIAL SERVICES AMERICAS LLC,
TOYOTA MOTOR CREDIT CORPORATION,
INVER GROVE MOTORS LLC D/B/A DENNY
HECKER'S INVER GROVE TOYOTA, JACOB
HOLDINGS OF HIGHWAY 101 LLC, AND
JACOB HOLDINGS OF AKRON AVENUE LLC.

Defendants.

NOTICE OF TAKING DEPOSITION
OF STEVEN MCDANIELS

TO: Midwest Motors, LLC and its counsel, Andrew Moratzka, 901 Marquette Ave.
S. #1400, Minneapolis, Minnesota 55402.

NOTICE IS HEREBY GIVEN that pursuant to Bankruptcy Rules 7030 and 9016
incorporating Fed.R.Civ.P. 30 and 45 Defendant Dennis E. Hecker's counsel will take
the deposition by oral examination of Steven McDaniels before a qualified court
reporter at the offices of Skolnick & Shiff, P.A., 527 Marquette Ave. S. Suite 2100,

Minneapolis, MN 55402 on Thursday, March 11, 2010 commencing at 9:00 a.m., and thereafter by adjournment until the same shall be completed. The deposition will take place upon oral examination pursuant to the Federal Rules of Civil Procedure before an officer duly administered by law to administer oaths and recorded testimony. The testimony will be recorded by stenographic means.

Dated: March 3, 2010

SKOLNICK & SHIFF, P.A.

A handwritten signature in black ink, appearing to read 'W. R. Skolnick', is written over a horizontal line.

William R. Skolnick # 137182
2100 Rand Tower
527 Marquette Avenue
Minneapolis, MN 55402
Phone (612) 677-7600
Fax (612) 667-7601
wskolnick@skolnick-shiff.com

**ATTORNEY FOR DEFENDANT
DENNIS E. HECKER**

Exhibit B

Zach Puchtel

From: Bill Skolnick
Sent: Monday, March 08, 2010 2:17 PM
To: 'Andrew P. Moratzka'
Cc: Zach Puchtel
Subject: RE: McDaniels Deposition

Yes, I will send out an amended notice.

Thanks,

Bill Skolnick

From: Andrew P. Moratzka [mailto:apm@mcmlaw.com]
Sent: Monday, March 08, 2010 1:45 PM
To: Bill Skolnick
Cc: Jinah E. Finnes; William J. O'Brien
Subject: McDaniels Deposition

Bill-

I have now had the opportunity to discuss deposition scheduling with Mr. McDaniels. He is available Thursday, March 25. Does that date still work for you?

Please advise.

Andrew P. Moratzka
Attorney at Law

612.305.1418
apm@mcmlaw.com



Mackall, Crounse & Moore, PLC
1400 AT&T Tower
901 Marquette Ave
Minneapolis, MN 55402

Main: 612.305.1400
Fax: 612.305.1414
Bio: [Click here for my bio](#)
Web: www.mcmlaw.com

IMPORTANT NOTICE:

This email message, including attachments, is covered by the Electronic Communications Privacy Act,

3/8/2010

18 U.S.C. 2510-2521, and for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, copying, disclosure or distribution is prohibited. If you are not the intended recipient, please contact sender by phone or reply via email and destroy all copies of the original message. Thank you.

Any tax information contained in this email or its attachments is not intended, and cannot be used by the taxpayer or any other person, to avoid any civil or criminal tax penalties which the Internal Revenue Service or another governmental agency may impose on the taxpayer or any other person for acting in reliance upon information contained in this email or its attachments.

Main tel: 612-305-1400
Main fax: 612-305-1414

Message scanned for viruses by mailMAX

Exhibit C

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

DENNIS E. HECKER

Case No. 09-50779-RJK

Debtor.

Chapter 7

RANDALL L. SEAVER,

ADV Pro. No. 09-05045

Plaintiff,

v.

DENNIS E. HECKER, MIDWEST MOTORS
LLC, LKMCD PROPERTIES, LLC, CHRYSLER
FINANCIAL SERVICES AMERICAS LLC,
TOYOTA MOTOR CREDIT CORPORATION,
INVER GROVE MOTORS LLC D/B/A DENNY
HECKER'S INVER GROVE TOYOTA, JACOB
HOLDINGS OF HIGHWAY 101 LLC, AND
JACOB HOLDINGS OF AKRON AVENUE LLC.

Defendants.

AMENDED NOTICE OF TAKING DEPOSITION
OF STEVEN MCDANIELS

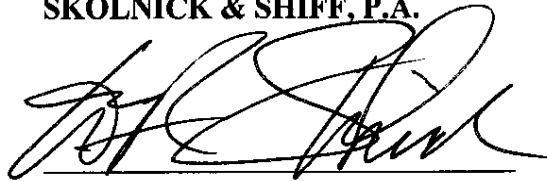
TO: Midwest Motors, LLC and its counsel, Andrew Moratzka, 901 Marquette Ave.
S. #1400, Minneapolis, Minnesota 55402.

NOTICE IS HEREBY GIVEN that pursuant to Bankruptcy Rules 7030 and 9016
incorporating Fed.R.Civ.P. 30 and 45 Defendant Dennis E. Hecker's counsel will take
the deposition by oral examination of Steven McDaniels before a qualified court
reporter at the offices of Skolnick & Shiff, P.A., 527 Marquette Ave. S. Suite 2100,

Minneapolis, MN 55402 on Thursday, March 25, 2010 commencing at 9:00 a.m., and thereafter by adjournment until the same shall be completed. The deposition will take place upon oral examination pursuant to the Federal Rules of Civil Procedure before an officer duly administered by law to administer oaths and recorded testimony. The testimony will be recorded by stenographic means.

Dated: March 8, 2010

SKOLNICK & SHIFF, P.A.

A handwritten signature in black ink, appearing to read 'W. R. Skolnick', written over a horizontal line.

William R. Skolnick # 137182
2100 Rand Tower
527 Marquette Avenue
Minneapolis, MN 55402
Phone (612) 677-7600
Fax (612) 667-7601
wskolnick@skolnick-shiff.com
ATTORNEY FOR DEFENDANT
DENNIS E. HECKER

**UNITES STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

DENNIS E. HECKER

Case No. 09-50779-RJK

Debtor.

Chapter 7

RANDALL L. SEAVER,

ADV Pro. No. 09-05045

Plaintiff,

vs.

AFFIDAVIT OF SERVICE

**DENNIS E. HECKER, MIDWEST MOTORS
LLC, LKMCD PROPERTIES, LLC, CHRYSLER
FINANCIAL SERVICES AMERICAS LLC,
TOYOTA MOTOR CREDIT CORPORATION,
INVER GROVE MOTORS LLC D/B/A DENNY
HECKER'S INVER GROVE TOYOTA, JACOB
HOLDINGS OF HIGHWAY 101 LLC, AND
JACOB HOLDINGS OF AKRON AVENUE LLC.**

Defendants.

Zachary M. Puchtel of the City of Minneapolis, County of Hennepin, State of Minnesota,
being duly sworn, says that he served the following documents:

1. Amended Notice of Taking Deposition of Steven McDaniels;

on Defendants and attorneys Stephen Grinnell, Esq., Gray Plant & Mooty, Matthew Burton,
Esq., Leonard O'Brien, Spencer, Gale & Sayre, Andrew P. Moratzka, Esq., Mackall, Crounse &
Moore PLC, Timothy Peters, Peters Law Firm PLC, and Will Tansey, Ravich, Meyer, Kirkman,
McGrath, Nauman & Tansey P.A., by transmitting via facsimile a true and correct copy thereof,
directed to said attorneys at the following last known facsimile numbers of said attorneys:

Last Known Address and Facsimile Number of Attorneys:

Stephen Grinnell, Esq.
Gray, Plant & Moody
500 IDS Center
80 South 8th St Minneapolis, MN 55402
FAX (612)632-4070


Matthew R. Burton, Esq.
Leonard, O'Brien, Spencer, Gale & Sayre
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-2740 Fax

Andrew P. Moratzka
Mackall, Crounse & Moore, PLC
1400 AT & T Tower
901 Marquette Ave. S.
Minneapolis, MN 55402
(612) 305-1414 Fax

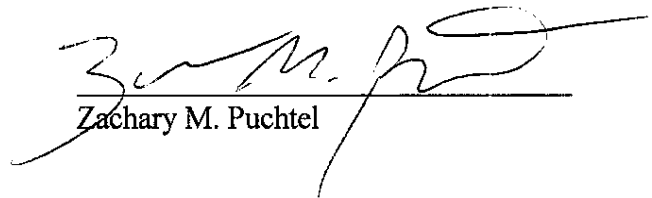
Timothy Peters
Peters Law Firm, PLC
2116 Second Ave. S
Minneapolis, MN 55404
(612) 874-9793 Fax

Will Tansey
**Ravich, Meyer, Kirkman,
McGrath, Nauman & Tansey, P.A.**
4545 IDS Center
80 South 8th Street
Minneapolis, MN 55402
(612) 332-8302 Fax

Subscribed and sworn before me
this 8 day of March, 2010



Notary Public



Zachary M. Puchtel

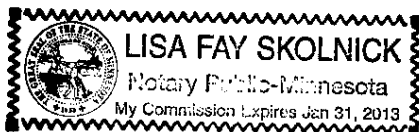


Exhibit D

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MINNESOTA

3 -----
4 In re:

5 Dennis E. Hecker,

Case No. 09-50779-RJK

6 Debtor.
7 -----

8 Randall L. Seaver

9 Plaintiff,

COPY

10 v.

11 Dennis E. Hecker, Midwest Motors, LLC,
12 LKMDCD Properties, LLC, Chrysler
13 Financial Services Americas, LLC,
14 Toyota Motor Credit Corporation,
15 Inver Grove Motors, LLC, d/b/a
Dennis Hecker's Inver Grove Toyota,
16 Jacob Holdings of Highway 101, LLC,
and Jacob Holdings of Akron Avenue, LLC,
17 -----

18 STATEMENT REGARDING THE DEPOSITION OF STEVEN

19 MCDANIELS, taken pursuant to Notice, before Angie D.

Threlkeld, Court Reporter and notary public, at

20 527 Marquette Avenue, Suite 2100, Minneapolis, Minnesota,
21 on March 25, 2010, commencing at approximately 9:15 a.m.
22
2324 * * *
25

1 APPEARANCES:

2 WILLIAM R. SKOLNICK, Attorney at Law,
3 Skolnick & Associates, 527 Marquette Avenue,
4 Suite 2100, Minneapolis, Minnesota 55402, appeared
5 for and on behalf of Dennis Hecker.

6 ANDREW MORATZKA, Attorney at Law,
7 901 Marquette Avenue, South, Suite 1400,
8 Minneapolis, Minnesota 55402, appeared by telephone
9 for and on behalf of Midwest Motors, LLC.

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20 WHEREUPON, the following proceedings were
21 duly had and entered of record, to wit:
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25

1 MR. SKOLNICK: Mr. Moratzka, I have a
2 court reporter here who will be taking down
3 everything that we say.

4 I had scheduled and you had agreed to a
5 deposition date for Mr. McDaniels this morning at
6 9:00 in my office. It's now 9:16. I will say for
7 the record that you sent me an e-mail late yesterday
8 informing me that you and your client would not be
9 showing up here this morning, despite the fact that
10 we had an agreed-upon date that I had rescheduled,
11 in fact, to accommodate you and your client and that
12 you just were refusing to show up. And I was hoping
13 you would change your mind as you slept on it
14 overnight, but apparently I guess you're not coming
15 and neither is your client; is that correct?

16 MR. MORATZKA: Mr. Skolnick, first of
17 all, I object to you calling me in my office with a
18 court reporter to take down a response to a
19 question. I did not consent to being deposed.

20 MR. SKOLNICK: I'm not trying to
21 depose --

22 MR. MORATZKA: Second, I told you
23 yesterday and asked you that -- we wouldn't be
24 attending the deposition and asked to reschedule
25 pursuant to, one, a stipulation that we are all

1 trying to settle this case, and, two, the fact that
2 you hadn't followed procedural rules to properly
3 serve Mr. McDaniels with a deposition.

4 That said, there was no reason to bring a
5 court reporter to your office. You had plenty of
6 time to cancel. And I will object to any claim that
7 you have regarding costs.

8 Good day, Mr. Skolnick.

9 MR. SKOLNICK: The record should reflect
10 Mr. Moratzka hung up the phone. And he was advised
11 yesterday -- I reminded him of his communications
12 with me where he agreed that I did not need to
13 subpoena Mr. McDaniels, that he would voluntarily
14 produce him for deposition, and we have people that
15 will testify as to that.

16 Since he's refused to show up and his
17 client has refused to show up, this deposition is --
18 this session is concluded.

19 (Concluded at 9:19 a.m.)
20
21
22
23
24
25

1 STATE OF MINNESOTA)
2) ss.
3 COUNTY OF DAKOTA)

4
5 REPORTER'S CERTIFICATE

6
7
8 I, Angie D. Threlkeld, do hereby
9 certify that the above and foregoing transcript,
10 consisting of the preceding 4 pages is a
11 correct transcript of my stenographic notes, and is
12 a full, true and complete transcript of the
13 proceedings to the best of my ability.

14 Dated March 25, 2010.

15
16
17
18 
19 ANGIE D. THRELKELD
20 Court Reporter
21
22
23
24
25

Exhibit E

United States Bankruptcy CourtDISTRICT OF MinnesotaIn re Dennis E. Hecker

Debtor

Randall L. Seaver, Trustee

Plaintiff

Denny Hecker, et al.

Defendant

**SUBPOENA IN
AN ADVERSARY PROCEEDING**Case No. BKY No. 09-50779 RJK

Chapter _____

To: Steve McDaniels
2873 Maplewood Dr, St. Paul, MN 55109Adv. Proc. No. 09-05045

☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above adversary proceeding.

PLACE

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above adversary proceeding.

PLACE

8500 Normandale Lake Blvd, Suite 1080
Minneapolis, MN 55437

DATE AND TIME

April 6, 2010 at 1:30 p.m.

☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any subpoenaed organization not a party to this adversary proceeding shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed.R.Civ.P. 30(b)(6) made applicable in adversary proceedings by Rule 7030, Fed.R.Bankr.P.

ISSUING OFFICER'S SIGNATURE AND TITLE

DATE

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

8500 Normandale Lake Blvd, Suite 1080, Minneapolis, MN 55437
952-746-24003-29-2010

PROOF OF SERVICE

SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Fed.R.Civ.P., Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AFFIDAVIT OF SERVICE BY FACSIMILE TRANSMISSION

STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN)

Cory L. Whiting, of the City of Elk River, County of Sherburne, State of Minnesota, being duly sworn, says that on March 30, 2010, she served the annexed:

Subpoena in an Adversary Proceeding – Steve McDaniels

upon the following person(s) in this action, by facsimile transmission, directed to said person(s) as follows:

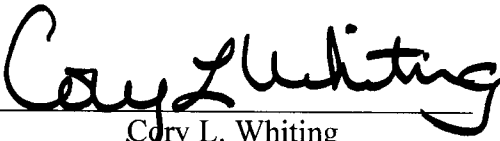
Stephen Grinell, Esq.
Gray, Plant & Moody
500 IDS Center
80 S 8th St
Minneapolis, MN 55402
Fax 612-632-4070

Matthew R. Burton, Esq.
Leonard, O'Brien, Spencer, Gale & Sayre
100 S 5th St
Suite 2500
Minneapolis, MN 55402
Fax 612-332-2740


Andrew P. Moratzka, Esq.
Mackall, Crounse & Moore, PLC
1400 AT&T Tower
901 Marquette Ave S
Minneapolis, MN 55402
Fax 612-305-1414

Timothy Peters, Esq.
Peters Law Firm, PLC
2116 2nd Ave S
Minneapolis, MN 55404
Fax 612-874-9793

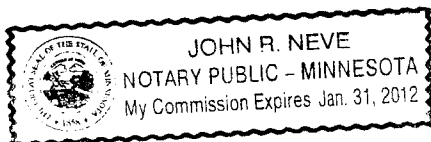
Will Tansey, Esq.
Ravich, Meyer, Kirkman
4545 IDS Center
80 S 8th St
Minneapolis, MN 55402
Fax 612-332-8302


Cory L. Whiting

Subscribed and sworn to before me
this 30th day of March, 2010.



Notary Public



AFFIDAVIT OF SERVICE

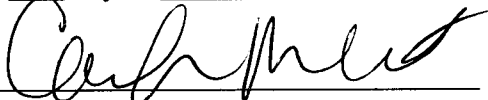
STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

Court File No. BKY 09-50779 RJK

Steven Wolter, being duly sworn, on oath says: that on the 30th day of March, 2010 at 9:38 AM he served the attached Subpoena upon Steve McDaniels, therein named, personally at 2873 Maplewood Drive, Maplewood, County of Ramsey, State of Minnesota, by handing to and leaving with Steve McDaniels, a true and correct copy thereof.



Subscribed and sworn to before me
this 30th day of March, 2010.



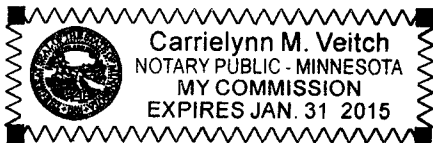
Notary Public

Exhibit F

United States Bankruptcy CourtDISTRICT OF MinnesotaIn re **Dennis E. Hecker**

Debtor

Randall L. Seaver, Trustee

Plaintiff

Denny Hecker, et al.

Defendant

**AMENDED
SUBPOENA IN
AN ADVERSARY PROCEEDING**Case No. BKY No. 09-50779 RJK

Chapter _____

Adv. Proc. No. 09-05045To: **Steve McDaniels**
2873 Maplewood Dr, St. Paul, MN 55109☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above adversary proceeding.

PLACE

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above adversary proceeding.

PLACE

8500 Normandale Lake Blvd, Suite 1080
Minneapolis, MN 55437

DATE AND TIME

May 27, 2010 at 9:00 a.m.☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any subpoenaed organization not a party to this adversary proceeding shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Fed.R.Civ.P. 30(b)(6) made applicable in adversary proceedings by Rule 7030, Fed.R.Bankr.P.

ISSUING OFFICER SIGNATURE AND TITLE



DATE

5-17-10

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

8500 Normandale Lake Blvd, Suite 1080, Minneapolis, MN 55437
952-746-2400

AFFIDAVIT OF SERVICE BY FACSIMILE TRANSMISSION

STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN)

Cory L. Whiting, of the City of Elk River, County of Sherburne, State of Minnesota, being duly sworn, says that on May 17 2010, she served the annexed:

Amended Subpoena in an Adversary Proceeding – Steve McDaniels

upon the following person(s) in this action, by facsimile transmission, directed to said person(s) as follows:


Stephen Grinell, Esq.
Gray, Plant & Moody
500 IDS Center
80 S 8th St
Minneapolis, MN 55402
Fax 612-632-4070

Matthew R. Burton, Esq.
Leonard, O'Brien, Spencer, Gale & Sayre
100 S 5th St
Suite 2500
Minneapolis, MN 55402
Fax 612-332-2740


Andrew P. Moratzka, Esq.
Mackall, Crounse & Moore, PLC
1400 AT&T Tower
901 Marquette Ave S
Minneapolis, MN 55402
Fax 612-305-1414

Timothy Peters, Esq.
Peters Law Firm, PLC
2116 2nd Ave S
Minneapolis, MN 55404
Fax 612-874-9793

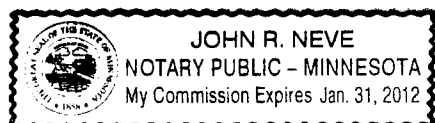
Will Tansey, Esq.
Ravich, Meyer, Kirkman
4545 IDS Center
80 S 8th St
Minneapolis, MN 55402
Fax 612-332-8302


Cory L. Whiting

Subscribed and sworn to before me
this 17th day of May, 2010.



Notary Public



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Bky No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

Randall L. Seaver, Trustee

Plaintiff,

ORDER

vs.

Adv. No. 09-5045

Dennis E. Hecker, et al.,

Defendants.

This case is before the court on the Steven McDaniels Expedited Motion for a Protective Order.

Based on the motion and the file and the court being fully advised in the premises,

IT IS ORDERED:

1. Mr. McDaniels' motion for expedited relief is denied.
2. Mr. McDaniels' deposition shall be taken at a mutually agreeable date on or before June 4, 2010, at the office of John R. Neve.
3. No costs or attorneys fees are awarded to Mr. McDaniels.

BY THE COURT:

Dated: _____

Robert J. Kressel
U.S. Bankruptcy Judge